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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW M. PIERCEY,

Defendant.

CASE NO. 2:20-CR-0211-TLN

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: May 18, 2023
TIME: 9:30 a.m.
COURT: Hon. Troy L. Nunley

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on May 18, 2023.
2. By this stipulation, defendant now moves to continue the status conference until July 27, 2023, at 9:30 a.m., and to exclude time between May 18, 2023, and July 27, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has produced over 260,000 pages of bates-stamped discovery, including investigative reports, bank and financial records, phone records, emails, and related documents in electronic form. The government has also made additional discovery available for inspection and copying, including multiple electronic devices to defense counsel containing approximately 3 terabytes of data. In addition, the government executed a post-indictment

1 search warrant on a storage locker and has made the materials seized in that warrant available to
2 the defense for inspection and copying, including numerous electronic devices totaling over 10
3 terabytes of data. The government has also provided defense counsel with an index to assist with
4 the defense's ongoing review of extensive bank records included in the Bates-stamped discovery.

5 b) The parties are continuing negotiations regarding potential resolution of this case.
6 Counsel for defendant desires additional time to consult with his client, review the current
7 charges, conduct investigation and research related to the charges, to and continue to review the
8 over 260,000 pages of discovery and terabytes of data made available by the government, to
9 review and copy discovery for this matter, to discuss potential resolutions with his client, and to
10 otherwise prepare for trial. Among other things, defendant continues to review the extensive
11 discovery in this case with the assistance of a paralegal typically for many hours each week, and
12 defense counsel is researching legal and factual issues that bear upon both plea negotiations and
13 defensive strategies for this case. Defense counsel has recently concluded a trial in the matter of
14 United States v. Beland, et al. 2:19-CR-21 WBS that began on March 7, 2023, for which he had
15 been preparing for several weeks. In addition, defense counsel was scheduled to commence
16 another federal criminal trial in United States v. Saintillus, 2:20-CR-00213-KJM on April 25,
17 2023, that ended up resolving shortly before the trial was scheduled to commence. Defense
18 counsel is also scheduled to begin a jury trial in Butte County in the matter of People v.
19 Zuccolillo on May 22, 2023.

20 c) Counsel for defendant desires additional time to consult with his client, review the
21 current charges, conduct investigation and research related to the charges, to review the
22 discovery provided by the government, to review and copy discovery for this matter including
23 electronic devices, to discuss potential resolutions with his client, and to otherwise prepare for
24 trial.

25 d) Counsel for defendant believes that failure to grant the above-requested
26 continuance would deny him the reasonable time necessary for effective preparation, taking into
27 account the exercise of due diligence.

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1 e) The government does not object to the continuance.

2 f) Based on the above-stated findings, the ends of justice served by continuing the
3 case as requested outweigh the interest of the public and the defendant in a trial within the
4 original date prescribed by the Speedy Trial Act.

5 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
6 et seq., within which trial must commence, the time period of May 18, 2023 to July 27, 2023,
7 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
8 because it results from a continuance granted by the Court at defendant's request on the basis of
9 the Court's finding that the ends of justice served by taking such action outweigh the best interest
10 of the public and the defendant in a speedy trial.

11 **[CONTINUED ON NEXT PAGE]**

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 28, 2023

PHILLIP A. TALBERT
United States Attorney

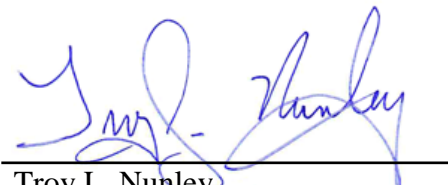
/s/ CHRISTOPHER S. HALES
CHRISTOPHER S. HALES
Assistant United States Attorney

Dated: April 28, 2023

/s/ DAVID FISCHER
DAVID FISCHER
Counsel for Defendant
MATTHEW M. PIERCEY

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 1st day of May, 2023.


Troy L. Nunley
United States District Judge